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From: "Pelton, David" <dpelt90@entergy.com>
To: <cja@nrc.gov>, <dps@nrc.gov>
Date: 8/24/04 9:22AM
Subject: Interesting Vermont Yankee News Clips

Cliff & Diane,

The attached news article makes for interesting reading...

dave p.

-----Original Message-----

From: Williams, Rob
Sent: Monday, August 23, 2004 2:32 PM
To: Williams, Rob; Shuman, Katrina B; Smith, Larry; WIESE, JR, ARTHUR E. F.; SieneI, Beth; Cosgrove, Brian; Finn, Brian; CRAWFORD, CARL W; Nichols, Craig; 'bruce.wiggett@telcove.net'; 'David M. Rocchio'; McElwee, David; Pelton, David; Finkenstadt, Eve; 'Ferland, Brad'; TAYLOR, GARY (Nuclear); Thomas, George; 'Gerry Morris'; Metell, Mike; 'Howard C Shaffer'; Bennett, Jan; Thayer, Jay; Dreyfuss, John; Herron, John T.; Hoffman, John; Bronson, Kevin; 'Marshall, John'; Desilets, Mike; 'Nancy Malmquist'; Perez, Pedro; Wanczyk, Robert; 'Smith, Kelly'; Gallagher, Sue; Norton, Tom; 'V Brown'; 'Sheehan, Neil'; 'Scenci, Diane'; Daflucas, Ronda; 'john.boguslawski@telcove.net'; Empey, Mike; HUTSON, LAURA; 'Jay.Silberg@shawpittman.com'; Shuman, Eileen; 'maeshe@sover.net'
Subject: Vermont Yankee News Clips, August 23, 2004 -- Part 2

Greenfield Recorder

August 20, 2004

Legislators asks AG for help with nuke plant uprate

By ANITA FRITZ

Recorder Staff

State legislators have asked Massachusetts Attorney General Tom Reilly to petition the Nuclear Regulatory Commission to accept the state as an intervener in the Vermont Yankee Power Station uprate request. The filing for intervener status must be completed by Aug. 29.

Rep. Stephen Kulik, D-Worthington, said the proposed uprate of 20 percent is a very controversial subject, specifically because of the safety factor for many Franklin County residents who live downwind of the plant.

Entergy Nuclear Vermont Yankee LLC has filed for an amendment to their facility operating license that would increase their maximum authorized power level from 1593 megawatts thermal to 1912.

"Many don't believe the aging plant can operate safely with a 20 percent uprate," said Kulik. "Citizens have voiced their concerns about recent accidents and events at the plant. We want the attorney general to know that the safety of Massachusetts citizens should be paramount."

Kulik said the citizens and town officials he's talked to believe the NRC's attitude about safety is cavalier.

"We have to protect the interests of the Massachusetts communities surrounding the plant and we feel the attorney general is the best person to represent their best interests," he said.

"Historic-ally, the attorney general intervenes on our citizens' behalf."

Kulik said Massachusetts is at a greater risk than Vermont in the event of a serious accident at Vernon because its location is largely to the east and downwind of the plant.

"It is entirely appropriate that Massachusetts have a voice in the decision-making process for the Vermont Yankee Power Plant uprate," said Kulik. He said the concerns citizens have should be addressed to the satisfaction of the people who would be affected by a possible failure of the plant's systems.

"I am very pleased that my colleagues in the Franklin County legislative delegation stand united in urging Attorney General Reilly to petition the NRC for intervener status," said Kulik.

Citizens' concerns about the plant and its uprate proposal include:

- * the plant's compliance with current standards;
- * the NRC's assessment process needing clearer criteria;
- * a demonstration that the plant's core cooling system is capable of working properly in the event of

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an emergency;

- * the NRC making its review process more open and transparent to the public;
- * and serious safety problems evidenced by a recent series of accidents/events at the Vernon Nuclear Station including: discovery of cracks in a key component; the misplacement of nuclear fuel; a transformer fire and several problems with the emergency notification system, including inadvertent disconnection of the emergency alarm system.

The representative said legislators would like to see Reilly formally intervene by presenting challenges to the NRC and requiring an independent analysis of the plant's safety procedures.

"Many people went to the NRC's hearing a while back and expressed concerns that they're not satisfied with what the commission is doing," said Kulik. "Citizens want the commission to slow down, not rush this decision along like it seems it's doing," said Kulik. "This should be about safety not profits."

The attorney general could not be contacted for comment Thursday afternoon.

Rep. Christopher J. Donelan, D-Orange, Rep. Shaun P. Kelly, R-Dalton, Sen. Stephen Brewer, D-Barre, Sen. Andrea Nuciforo Jr., D-Pittsfield and Sen. Stanley Rosenberg, D-Amherst, signed the letter to Reilly with Kulik.

New York Times

Roadblock at Yucca Mountain

Published: August 23, 2004

federal appeals court decision has thrown a gigantic roadblock in the way of efforts to create an underground burial site for nuclear wastes at Yucca Mountain in Nevada. A three-judge panel in the District of Columbia ruled last month that regulators could not simply require the repository to contain the wastes for 10,000 years, the standard set by the Environmental Protection Agency, but must instead ensure that Yucca could function acceptably for hundreds of thousands of years. That standard is so outlandishly stringent it may not be achievable. Unless Congress steps in to change the ground rules, the court ruling could significantly delay or even derail efforts to move ahead with an underground repository that will be vitally needed in coming decades.

There seems little doubt that the safest way to dispose of used fuel rods from nuclear power plants and highly radioactive wastes from nuclear weapons production is to bury them deep underground in stable geological formations resistant to leaking. Experts in this country and abroad, as well as many environmentalists, agree on that point. Although Yucca Mountain was partly chosen because of a perception that Nevada lacked the political clout to reject it, the site has a lot to recommend it. It sits on federal land where nuclear bombs were tested, in an arid desert where population density is low, well above the water table and atop volcanic rocks that have been there for 12 million to 13 million years. But technical obstacles, litigation, political opposition in Nevada and the sheer difficulty of the undertaking have slowed progress for 17 years and threaten to prolong the agony indefinitely.

The Bush administration, to its credit, has tried to push Yucca toward a resolution. The Energy Department plans to submit an application to the Nuclear Regulatory Commission late this year for a license to build the repository, which would open in 2010 at the very earliest. The commission must then determine whether the proposed repository can meet health and safety standards established by the E.P.A. Unfortunately, those standards have now been thrown out by the courts.

This turn of events can largely be blamed on Congress, which in a 1992 law told the E.P.A. to set standards for Yucca Mountain "based upon and consistent with" the recommendations of the National Academy of Sciences, an unusual delegation of authority to a nongovernmental agency. An academy panel

concluded that there was no rationale for protecting the public for only 10,000 years given that the peak risk of radiation might be hundreds of thousands of years in the future.

The appeals court ruling that the E.P.A. improperly ignored the academy could make it virtually impossible to approve a burial site at Yucca or perhaps anywhere else in the country. To get out of this mess, Congress needs to change the law and allow the E.P.A. to set the compliance period at 10,000 years, roughly twice as long as recorded human history. That is the period used by the E.P.A. for a separate military nuclear repository and the time frame used by other countries with geological disposal

programs. Congress will no doubt be reluctant to tackle the issue in an election year, especially since Senator John Kerry and other Democratic leaders, pandering shamelessly for the electoral votes of the battleground state of Nevada, have pledged to block Yucca.

END

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